

# **OFFICE OF THE APPELLATE DEFENDER REPORT TO THE MONTANA PUBLIC DEFENDER COMMISSION**

**July 1, 2008 through September 30, 2008**

The Appellate Defender Office (ADO) took in a total of 34 new appeals during the July 1-September 30 time period (four have been contracted out of office). In addition, five new postconviction relief cases have all been contracted out of the office. Five writs of supervisory control were filed, two of which were handled by contract attorneys. We are currently awaiting either transcripts or the district court record to be filed before appointment on four of these cases. Starting on September 8, 2008, the Appellate Office created a new procedure in transmitting cases from the district court level to the Supreme Court. Along with this procedure comes the Appellate Office filing all Notices of Appeal and Transcript Requests in all OPD cases. The Appellate Office currently has 11 cases pending the filing of the notices of appeal and transcript requests.

Since July 1, 2008, 44 briefs have been filed (18 opening briefs of which three were either dependent/neglect or mental health opening briefs; 23 reply briefs and two Anders briefs).

Briefs filed within ADO by month:

08/2006	<b>5</b>	06/2007	<b>14</b>	4/2008	<b>27</b>
09/2006	<b>5</b>	7/2007	<b>18</b>	5/2008	<b>13</b>
10/2006	<b>12</b>	8/2007	<b>19</b>	6/2008	<b>21</b>
11/2006	<b>15</b>	9/2007	<b>23</b>	7/2008	<b>14</b>
12/2006	<b>10</b>	10/2007	<b>21</b>	8/2008	<b>15</b>
01/2007	<b>14</b>	11/2007	<b>16</b>	9/2008	<b>15</b>
02/2007	<b>12</b>	12/2007	<b>17</b>		
03/2007	<b>14</b>	1/2008	<b>18</b>		
04/2007	<b>18</b>	2/2008	<b>20</b>		
05/2007	<b>15</b>	3/2008	<b>21</b>		

A total of 411 briefs filed from the period of 6/30/2006 through 9/30/2008.

There are 176 appellate cases open within the ADO.

FTE within ADO	67
Regional FTE	5
Contract	16
Postconviction Relief	12
Inactive cases pending opinion	76

To date 315 cases have been closed. (This includes Appellate Cases, Writs of Supervisory Control, Postconviction Relief cases and all Contract Cases.)